

APPENDIX A:

**TEXT OF PUBLIC LAW 107-206 PERTINENT
TO THE MANAGEMENT OF DUF₆**

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TO THE MANAGEMENT OF DUF₆****Section 502 of Public Law 107-206, “2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States” (signed by the President 08/02/2002)**

SEC. 502. Section 1 of Public Law 105-204 (112 Stat. 681) is amended —

(1) in subsection (b), by striking “until the date” and all that follows and inserting “until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract.”; and

(2) by striking subsection (c) and inserting the following:

“(c) CONTRACTING REQUIREMENTS —

(1) IN GENERAL — Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall —

(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE-RP05-010R22717 (‘Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF₆) Conversion Project’) were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of —

(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

(2) CONTRACT TERMS — Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to —

(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K-25 uranium enrichment facility located in the East Tennessee Technology Park

at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

(3) CERTIFICATION OF GROUNDBREAKING — Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

(d) FUNDING —

(1) IN GENERAL — For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

(2) AUTHORIZATION OF APPROPRIATIONS — There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.”